

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

**In re:**

**Case No. 25-60830-MAW**

**CHALLENGER 728, LLC**

**Chapter 7**

**Debtor(s)**

**Judge Mary Ann Whipple**

**TRUSTEE'S MOTION AUTHORIZING REJECTION OF LEASE AND  
ABANDONMENT OF PROPERTY LOCATED AT THE LEASED PREMISES**

NOW COMES Melissa M. Macejko, the Chapter 7 Trustee herein (the "Trustee"), who moves the Court for the entry of an Order authorizing the rejection of a real property lease, pursuant to 11 U.S.C. §365 and abandonment of any remaining property located at the leased premises, pursuant to 11 U.S.C. § 554. In support of said Motion, Trustee states as follows:

1. This case was commenced with the filing of a voluntary petition by Debtor(s) on June 12, 2025 under Chapter 7 of the United States Bankruptcy Code, with Melissa M. Macejko being appointed to serve as the Trustee in this proceeding.
2. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and General Order No. 2012-7 entered in this District on April 4, 2012.
3. Upon information and belief, the Debtor is an Ohio limited liability company. It operated a CycleBar franchise – an indoor stationary exercise cycle studio at 99 First St., Hudson, OH 44236 (the "Premises").
4. Upon information and belief, the Debtor ceased business operations pre-petition in February, 2025.
5. Upon information and belief, the Premises were leased by the Debtor from Hudson Village Finance Company, LLC which is the landlord (the "Lease"). Upon information

and belief, there was a rent delinquency owed by the Debtor to the landlord in the amount of \$47,877.41, as of 02/06/2025.

6. Upon information and belief, Huntington National Bank and U.S. Small Business Administration are secured creditors of the Debtor having liens on all inventory, equipment, accounts, chattel paper, instruments, letters of credit, documents, deposit accounts, money, rights to payment, intangibles, fixtures, and all products and proceeds (the “Collateral”).
7. Upon information and belief, the claim of Huntington National Bank is \$292,415 and the claim of U.S. Small Business Administration is \$177,200. The value of the Collateral on the Debtor’s schedules is listed at \$168,071.
8. There may be remaining equipment, inventory, and other personal property located at the Premises, which the Trustee believes would be the Collateral of the secured creditor and/or potentially subject to landlord claims on the property.
9. The Trustee requests the entry of an Order authorizing the rejection of the Lease and abandonment of any remaining property located at the Premises. Section 365(a) of the Bankruptcy Code provides that a trustee “may assume or reject any executory contract or unexpired lease of the debtor” subject to the Court’s approval. Courts generally authorize trustees to assume or reject where trustees appropriately exercise their business judgment.  
See *Sharon Steel Corp. v. Nat'l Fuel Gas Distrib. Corp.*, 872 F.2d 36 (3rd Cir. 1989).
10. The business judgment merely requires a showing that rejection of the contract or lease will benefit the bankruptcy estate (“A debtor’s decision to reject an executory contract must summarily affirmed unless it is the product of ‘bad faith, or sham or caprice;’) (quoting *In re Wheeling-Pittsburgh Steel Corp.*, 72 B.R. 845 (Bankr. W.D. Pa. 1987); *In re Trans World Airlines, Inc.*, No. 01- 0056, 2001 Bankr. LEXIS 722 (Bankr. D. De-

Mar. 16, 2001) (noting that the standard under section 365 requires consideration of the benefit of the rejection to the estate).

11. The Trustee has determined in her business judgment that the Lease will provide no benefit and is burdensome to the estate. Absent rejection, the estate could be liable for rent and other charges, even though the Trustee is not seeking to operate the business, administer the Collateral, and is not in possession of the Premises. The Trustee has determined that such costs would be burdensome to the estate and there is no benefit that could be achieved from assignment of the Lease.
12. The Trustee also seeks to abandon any remaining personal property owned by the Debtor at the Premises, pursuant to section 554 of the Bankruptcy Code. The secured debts of the Debtor appear to be greater than asset values. The amount of liens is \$469,615, plus potential landlord claims and the value of the Collateral is believed to be \$168,071. The Trustee has determined there to be no value to the estate.

WHEREFORE, Trustee requests an Order authorizing the rejection of the Lease, pursuant to 11 U.S.C. §365 and abandonment of any remaining property located at the Premises, pursuant to 11 U.S.C. § 554. Trustee further requests the Court order such other and further relief as this Court may deem just and appropriate.

Respectfully submitted,

/s/ Melissa M. Macejko  
Melissa M. Macejko, Esq. (#0070974)  
Chapter 7 Trustee  
PO Box 806  
Youngstown, OH 44501  
Phone: (330) 744-9007  
Email: [akrontr@suharlaw.com](mailto:akrontr@suharlaw.com)

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

**In re:**

**Case No. 25-60830-MAW**

**CHALLENGER 728, LLC**

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**Judge Mary Ann Whipple**

**NOTICE OF TRUSTEE'S MOTION AUTHORIZING REJECTION OF LEASE AND  
ABANDONMENT OF PROPERTY LOCATED AT THE LEASED PREMISES**

The Chapter 7 Trustee, has filed papers with the Court to seek authorization to reject a real property lease with Hudson Village Finance Company, LLC, pursuant to 11 U.S.C. §365 and abandonment of any remaining property located at the leased premises.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the Court to grant the Trustee's request, or if you want the Court to consider your views on the motion, then on or before **July 8, 2025**, you or your attorney must:

File with the Court a written request for a hearing and a written response explaining your position at:

Clerk of Court  
U.S. Bankruptcy Court  
401 McKinley Ave., S.W.  
Canton, OH 44702

If you mail your request and response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

**You must also mail a copy to:**      **Melissa M. Macejko, Chapter 7 Trustee**  
PO Box 806  
Youngstown, OH 44501

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting that relief.

Dated: June 24, 2025

/s/ Melissa M. Macejko  
Melissa M. Macejko, Esq. (#0070974)  
Chapter 7 Trustee  
PO Box 806  
Youngstown, OH 44501  
Phone: (330) 744-9007

## **CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing *Trustee's Motion Authorizing Rejection of Lease and Abandonment of Property Located at the Leased Premises and Notice thereof* were served by the following methods this 24th day of June, 2025 to the following parties:

**Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:**

- **Mark Franklin Graziani** mark\_graziani@yahoo.com
- **Melissa M. Macejko** akronr@suharlaw.com, mmm@trustesolutions.net;scampbell@suharlaw.com;mstewart@suharlaw.com
- **Jeffrey Madison** jmadison@parkstreetlg.com
- **United States Trustee** (Registered address)@usdoj.gov

**Via first class U.S. mail, postage fully pre-paid:**

Challenger 728, LLC  
1020 E. Maple St.  
North Canton, OH 44720

Hudson Village Finance Co. LLC  
c/o Rebecca Molyneaux, Esq.  
200 Park Ave.  
Suite 220  
Orange Village, OH 44122

-and-

All parties appearing on the attached list.

/s/ Melissa M. Macejko  
Melissa Macejko, Esq. (#0070974)  
Chapter 7 Trustee

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Challenger 728, LLC  
1020 East Maple Street  
North Canton, OH 44720-2640

Hudson Village Finance Company, LLC  
c/o Fairmount Properties  
1138 West 9th Street  
Cleveland, OH 44113-1007

Huntington National Bank  
P.O. Box 182519  
Columbus, OH 43218-2519

Jeffrey J. Madison, Esq.  
Park Street Law Group, LLC  
612 Park Street, Suite 300  
Columbus, OH 43215-1681

U.S. Small Business Administration  
409 Third Street SW  
Washington, D.C. 20024-3212

John Wood  
99 First St  
Hudson, OH 44236-5394

Mark Franklin Graziani  
Graziani Law, LLC  
PO Box 1158  
Norton, OH 44203-9158

/h 0